

the proposal in the Senate Finance Committee is \$1.8 trillion, once you look at the real numbers.

One of the more entertaining aspects of the protestations of cost savings is the approach that all of these bills take to medical malpractice reform. There is none. There is none. Before the joint session of Congress several weeks ago the President even referenced a grand initiative, that he was going to support medical malpractice reform. Consequently, we found out the announcement was that the administration was going to—get this; I am not making it up—the President was going to accept grant applications for demonstration programs. I say to the President and to my colleagues, there are already demonstration programs: One is called Texas and the other is called California. They have enacted medical malpractice reform and it has saved incredible amounts of money. CBO now estimates that real medical malpractice reforms can save the health care system \$54 billion over the next 10 years. Real medical malpractice reform can save as much as \$200 billion.

My favorite example so far—and then we politicians wonder sometimes why the American people are a little cynical about the things we promise and the things we commit to during political campaigns; that we are going to do A, B and C and you can count on it, et cetera. My favorite so far is when the President was running for office. Three months before he was elected, President Obama vowed not only to reform health care but also to pass the legislation in an unprecedented way. He said:

I'm going to have all the negotiations around a big table.

He said that at an appearance in Chester, VA, repeating an assertion he had made many times. In referring to the debate on health care, he said the discussions would be—

... televised on C-SPAN, so that people can see who is making arguments on behalf of their constituents and who are making arguments on behalf of the drug companies or the insurance companies.

Well, maybe the administration and the majority leader don't know where the C-SPAN cameras are. I can get them outside of Senator REID's office at a moment's notice. In fact, they are televising this. I want to repeat what the President of the United States promised the American people specifically on health care reform. He said the discussions would be—

... televised on C-SPAN, so that people can see who is making the arguments on behalf of their constituents and who are making arguments on behalf of the drug companies or the insurance companies.

It might be a little late for the drug companies. They have already cut a sweetheart deal with the drug companies. They have agreed to oppose importation of drugs from Canada and oppose competition amongst drug companies for Medicare patient recipients in return for some \$80 billion in supposed

savings over 10 years, and \$100-some million worth of advertising by the drug companies in favor of health care reform. I am not making it up.

President Obama also said he didn't want to be—

... negotiating behind closed doors but bringing all parties together and broadcasting those negotiations on C-SPAN so the American people can see what the choices are. Because, part of what we have to do is enlist the American people in this process.

The last I saw, they were trying to enlist the AMA by doing a \$247 billion unpaid for deal so that they could buy their support. They bought the drug companies. They couldn't buy the health insurance companies, so now they are going to retaliate against them by removing their antitrust exemptions.

One thing I have to say for this administration, they know how to play hardball. They know how to play hardball. But they also don't seem to care about the commitments that the President made during his campaign for the Presidency.

I see my colleague is here—Senator BARRASSO—and he wants to speak also, but I say to my colleagues on the other side of the aisle, the American people are tired of this behind-closed-doors dealmaking, deal cutting, which none of us on this side of the aisle have had anything to do with and very few on the other side of the aisle. They are doing a multi-trillion-dollar deal which will affect the future and the lives of 300 million Americans eventually. It is not right. This process is not right.

The process they should be going through is exactly the one that the President promised the American people when he was running for President of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

CLEAN AIR PROTECTION ACT

Mr. BARRASSO. Mr. President, I rise today to talk about a bill I have introduced called the Clean Air Protection Act.

Environmental Protection Agency Administrator Lisa Jackson has stated that she believes the Clean Air Act was not specifically designed to address greenhouse gases. She also says using the Clean Air Act to regulate climate change raises serious concerns.

I agree with her completely. So then what was the EPA's response to the problem? Well, they developed a tailored interpretation of the Clean Air Act where they ignore certain provisions of the law. This tailored interpretation is actually called the tailoring rule. The tailoring rule is EPA's attempt to limit the scope of the Clean Air Act—limit it to only those businesses that emit 25,000 tons of greenhouse gases. That is 100 times more than the amount of emissions that are currently allowed by law.

Saying that the EPA will only limit emissions from large businesses is not

allowed under the current law—the Clean Air Act. So if you are going to use the Clean Air Act to regulate greenhouse gas emissions for American businesses, you have to use the standard that Congress has set out in the act. The EPA's approach is not legal, and I can tell you it will be challenged in court.

I alerted EPA Administrator Jackson and the EPA Assistant Administrator Regina McCarthy that special interest groups are scheming to sue the EPA. Suits will be filed if the EPA does not follow the Clean Air Act limits—sue them to capture hospitals, farms, nursing homes, commercial buildings, and any other small emitters of greenhouse gases.

I put a hold on Regina McCarthy at the time she was the nominee to be the Assistant Administrator of the EPA Office of Air and Radiation. I did this because of my concern about lawsuits if the EPA attempted to use the Clean Air Act to regulate climate change. I wanted to know what the EPA's solution to the problem would be. When asked about potential lawsuits, Regina McCarthy said that she will—

... request that I be informed if any such notice is filed with regard to a small source, and I will follow up with potential litigants.

That is the EPA's solution, to sit down over a cup of coffee and ask lawyers for special interest groups not to sue. Groups know the law. They know what it says. The EPA Administrator is opening the door to environmentalists and other activists to file suit—to sue to run small businesses into the ground. Up to 1.2 million hospitals, farms, nursing homes, commercial buildings, and other small emitters could be bankrupt. The net result of all of this will be jobs lost. According to the Heritage Foundation, job losses are estimated to reach 800,000.

The solution to this problem is not to have government officials go around asking litigants not to sue; the solution is to pass legislation that takes this regulatory ticking timebomb off the table for good. That is why I have introduced legislation to fix the problem. The bill, S. 1622—the Clean Air Protection Act—takes the Clean Air Act out of the business of regulating climate change. My legislation allows car and truck regulations under the Clean Air Act to move forward, while stopping the regulation of stationary sources, such as small businesses, hospitals, farms, and nursing homes.

Given the introduction of the tailoring rule by the EPA, Congress should pass S. 1622, the Clean Air Protection Act, without delay, pass it before the regulatory ticking timebomb goes off.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. BINGAMAN. Mr. President, I rise to speak in favor of the Reid-Baucus-